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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,914	02/17/2000	Ronald A. Katz	245/249(6046-101D9)	7141

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EXAMINER
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WOO, STELLA L

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/505,914

**Applicant(s)**

KATZ, RONALD A.

**Examiner**

Stella L. Woo

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2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 97-131 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 97-131 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/26/05; 05/26/06</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 12, 2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 97-111, 114-129 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Agostino (US 5,606,496) in view of Smith (US 5,450,123), and further in view of Dagdeviren et al. (US 5,371,534, hereinafter "Dagdeviren"), and further in view of Grady et al. (US 5,712,906, hereinafter "Grady").

D'Agostino discloses a commercial transaction communication system (Fig. 1) for selectively enabling video communications through a communication system (telephone network; col. 7, lines 29-40) between

members of plural groups (customer terminals 14 and representative terminals 12), each including at least one vendor and selling different products or services (each representative terminal provides a different financial service; col. 4, lines 21-29), comprising:

video display systems (customer terminal 14 in Fig. 2A; representative terminal 12 in Fig. 2B; the customer terminal capable of operating in a video image display mode or a menu display mode (col. 6, lines 49-56);

an interconnect system (telephone system including communication links 16, 18) adapted to selectively electronically couple the video display terminals (customer terminal is selectively coupled to the appropriate representative terminal) through the communication system on the basis of stored information (preset numbers are stored which correspond with different financial services; col. 4, lines 21-29) and buyer input (desired financial service is selected by the customer depressing the appropriate button (col. 4, lines 24-29) and to permit the exchange of commercial transaction data (credit card payment data; col. 7, lines 4-6, 65-67); and

a video format switch (the representative uses an input device 46 to effect either a compatible video image display or a menu display; col. 6, lines 47-56).

D'Agostino differs from claims 97-129 in that although it provides for transmitting a video image of the representative, it does not specify communicating a dynamic, full-motion video. However, Smith teaches the desirability of including a camera so that direct, real-time, point-to-point video

communication can take place between a customer and the representative (col. 3, lines 26-27; col. 4, lines 25-28; moving pictures are communicated via AT&T 2500 video telephone sets, col. 1, lines 27-28) such that it would have been obvious to an artisan of ordinary skill to incorporate such dynamic, full-motion video communication, as taught by Smith, within the system of D'Agostino in order to provide a real-time video as well as audio communication between the customer and representative. In this way, a more realistic face-to-face meeting can take place.

D'Agostino further differs from claims 97-129 in that although it teaches alternatively providing for a single link to transmit voice and data (col. 7, lines 33-35), it does not specify alternatively involving analog or digital lines. However, Dagdeviren teaches that it is old and well known to alternately involve analog lines (voice grade trunks 111) and digital lines (ISDN data lines 112) depending on whether the call is a voice grade, audio call or a multimedia ISDN call (Abstract; col. 5, lines 53-57) such that it would have been obvious to an artisan of ordinary skill to incorporate such alternate use of analog and digital lines, as taught by Dagdeviren, within the system of D'Agostino in order to provide the appropriate bandwidth for either voice or multimedia communication.

D'Agostino further differs from claims 17 and 33 in that it does not specify text communications between the vendor and buyer. However, Grady, from the same field of endeavor, teaches the desirability of providing text

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communications (email) between terminals (col. 11, lines 46-47) in addition to video and multimedia communication. It would have been obvious to an artisan of ordinary skill to provide for text communications, as taught by Grady, between the caller and agent stations of Smith in order to provide an additional means of communication.

Regarding claim 110, Smith provides for a dynamic video source and database 6.

Regarding claim 111, D'Agostino provides for a printer 28 and printer 50.

4. Claims 112-113 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of D'Agostino, Smith, Dagdeviren, and Grady as applied to claim 97 above, and further in view of Ando et al. (US 4,888,795, hereinafter "Ando").

The combination differs from claims 112-113 in that it does not specify the video being freeze-frame or high resolution. However, Ando teaches the desirability of providing the option of transmitting a single frame, high resolution video signal (such as when a text document is to be transmitted for clear viewing) or a full-motion, low resolution video signals (such as when face-to-face communication is desired) (Abstract; col. 1, line 24 - col. 3, line 35; col. 4, line 31 - col. 5, line 9; col. 7, line 39 - col. 8, line 3). It would have been obvious to an artisan of ordinary skill to incorporate the use of freeze-frame, high resolution video communication, as taught by Ando, within the combination of D'Agostino, Smith, Dagdeviren and Grady in order to allow for

transmission of captured document data which requires a higher resolution than a moving image of the user's face.

5. Claims 130-131 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Agostino in view of Smith, Dagdeviren, and Grady, as applied to claim 97 above, and further in view of Donald et al. (US 5,053,956, hereinafter "Donald").

The combination of D'Agostino, Smith, Dagdeviren, and Grady differs from claims 130-131 in that although it provides for displaying products to the customer (Smith, col. 2, lines 65-68), it does not specify an inventory control system. However, Donald teaches the desirability of coupling an interactive video display system with an inventory control system (col. 7, lines 3-9; col. 9, line 61 - col. 10, line 4) so that a customer can view products along with the number available in stock such that it would have been obvious to an artisan of ordinary skill to incorporate such coupling with an inventory control system, as taught by Donald, within the combination of D'Agostino, Smith, Dagdeviren, and Grady so that the customer can be apprised of availability while the seller's inventory database is kept current as items are purchased.

### ***Response to Arguments***

6. Applicant's arguments filed June 12, 2006 have been fully considered but they are not persuasive.

7. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be

recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stella L. Woo  
Primary Examiner  
Art Unit 2614